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10 Attorneys for Plaintiff

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12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN FRANCISCO DIVISION

15
16 UNITED STATES OF AMERICA,) CR No. 04-0354-JSW
17 Plaintiff,) [PROPOSED] STIPULATED ORDER
18 v.) CONTINUING HEARING ON SUPERVISED
19 PHILLIP HILL,) RELEASE VIOLATION
20 Defendant.)
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1 The above-captioned case is currently scheduled for a hearing on the
 2 defendant's supervised release violation on Thursday, April 16, 2009. Counsel for the
 3 parties are currently engaged in negotiations regarding a possible resolution of the
 4 allegations, but the resolution of the alleged violation before the Court is complicated by
 5 the defendant's pending charges in the Superior Court of Contra Costa County.
 6 Accordingly, for the reasons discussed below, the parties jointly request that the hearing
 7 scheduled for April 16, 2009 be converted to a status conference, and that the parties be
 8 permitted to schedule a hearing on this matter, if needed, at that time.

9 First, the parties request a continuance of the hearing in this case so that
 10 they may have a better sense of the state-court proceedings against the defendant. The
 11 defendant will not make his initial appearance in state court until April 7, 2009, only one
 12 week prior to the currently-scheduled hearing. After April 7, the defendant will be in a
 13 better position to discuss both his state and federal cases with his counsel in both matters.
 14 (The defendant has not yet retained or been appointed counsel in the state-court matter.)
 15 After the defendant and his counsel have been able to assess the state-court issues, they
 16 will be in a better position to resolve the allegations before the Court.

17 Second, counsel for the government, Matthew McCarthy, was not present at
 18 the setting of this hearing, because he was out of the state at that time. He is set to begin
 19 a jury trial before Judge Illston on Monday, April 20, and is currently preparing for that
 20 trial. It would prove extremely difficult to prepare for an evidentiary hearing in this
 21 matter simultaneously with the trial in that case.

22 Third, the parties expect that a resolution of the state-court case is likely to
 23 drive the resolution of the allegations before the Court. Depending on the resolution of
 24 those charges, it is likely that no evidentiary hearing will be needed in this matter.
 25 Accordingly, it would conserve both government and judicial resources to continue the
 26 hearing in this matter until it is determined that such a hearing is actually necessary.

27 Therefore, the parties jointly request that the hearing currently scheduled
 28 for //

1 April 16, 2009 be converted to a status conference, and that the parties be permitted to
2 schedule an evidentiary hearing, if needed, at that time.

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4 IT IS SO STIPULATED.

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6 DATED
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JOSEPH P. RUSSONIELLO
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Northern District of California
MATTHEW L. McCARTHY
Assistant United States Attorney

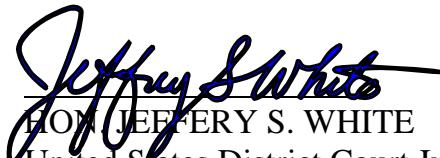
10 DATED
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4-2-09
/s/
JODI LINKER
Assistant Federal Public Defender
Attorney for Phillip Hill

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14 For good cause shown, the hearing scheduled for April 16, 2009 will be
15 converted to a status conference.

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17 IT IS SO ORDERED.

18 April 2, 2009
19 DATED
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HON. JEFFERY S. WHITE
United States District Court Judge